

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

CHERYL L. CARDER, Administratrix of
the Estates of **BEVERLY ANN TANNER**,
and **RAYMOND GLEN TANNER**; and
RANDY TANNER,

Plaintiffs,

vs.

HOVEROUND CORPORATION,
a foreign corporation, and **CURTISS-
WRIGHT CONTROLS INTEGRATED
SENSING, INC.**, a foreign corporation,

Defendants.

CIVIL ACTION NO. 2:21-cv-00511

Judge Thomas E. Johnston

Magistrate Judge Dwane L. Tinsley

**PLAINTIFFS' MOTION TO REINSTATE CASE
ON COURT'S ACTIVE DOCKET**

NOW COME the Plaintiffs, Cheryl L. Carder, Administratrix of the Estates of Beverly Ann Tanner and Raymond Glen Tanner, and Randy Tanner, by and through their undersigned counsel, and hereby respectfully requests this Honorable Court to reinstate this matter on the Court's active docket. In support of this Motion, the Plaintiffs state as follows:

1. On February 7, 2023, the Court issued an Order dismissing this case having been advised that a settlement has been reached between the parties. [ECF 99].
2. Because this case involves two wrongful deaths, the settlement needs Court approval pursuant to W.Va. Code § 55-7-7 and Plaintiff intends to file a *Motion to Compromise Claims for Death by Wrongful Act Pursuant to W.Va. Code §55-7-7*.

3. In addition, allocation of the settlement monies may require a hearing before this Honorable Court.

WHEREFORE, the Plaintiffs, Cheryl L. Carder, Administratrix of the Estates of Beverly Ann Tanner and Raymond Glen Tanner, and Randy Tanner, respectfully request the Court to issue an Order reinstating this case to the Court's active docket.

Respectfully Submitted,

CHERYL L. CARDER, Administratrix of the Estates of **BEVERLY ANN TANNER** and **RAYMOND GLEN TANNER**, and **RANDY TANNER**, *Plaintiffs*

By: /s/ Brent E. Wear
Robert P. Fitzsimmons (WV Bar # 1212)
Brent E. Wear (WV Bar # 9754)
Clayton J. Fitzsimmons (WV Bar #10823)
Mark A. Colantonio (WV Bar # 4238)
FITZSIMMONS LAW FIRM PLLC
1609 Warwood Avenue
Wheeling, West Virginia 26003
Telephone: (304) 277-1700
Fax: (304) 277-1705
Email: bob@fitzsimmonsfirm.com
Email: brent@fitzsimmonsfirm.com
Email: clayton@fitzsimmonsfirm.com
Email: mark@fitzsimmonsfirm.com

and

David A. Sims (WV Bar # 5196)
LAW OFFICES OF DAVID A. SIMS, PLLC
P.O. Box 5349
Vienna, West Virginia 26105
Telephone: (304) 428-5291
Fax: (304) 328-5293
Email: David.sims@mywvlawyer.com

Counsel for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

CHERYL L. CARDER, Administratrix of
the Estates of **BEVERLY ANN TANNER**,
and **RAYMOND GLEN TANNER**; and
RANDY TANNER,

Plaintiffs,

vs.

HOVEROUND CORPORATION,
a foreign corporation, and **CURTISS-
WRIGHT CONTROLS INTEGRATED
SENSING, INC.**, a foreign corporation,

Defendants.

CIVIL ACTION NO. 2:21-cv-00511

Judge Thomas E. Johnston

Magistrate Judge Dwane L. Tinsley

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of February, 2023, a true copy of this **PLAINTIFFS'** ***MOTION TO REINSTATE CASE ON COURT'S ACTIVE DOCKET*** was electronically filed with the Clerk of this Court using CM/ECF system, who shall provide electronic notice of such filing to the following counsel of record.

J. David Bolen, Esq.
Ellen M. Jones, Esq.
DINMORE & SHOHL LLP
611 Third Avenue
Huntington, West Virginia 25701

Counsel for Defendant, Curtiss-Wright Controls Integrated Sensing, Inc.

David J. Kahn, Esq.
TYSON & MENDES LLP
5661 La Jolla Boulevard
La Jolla, CA 92037

Counsel for Defendant, Curtiss-Wright Controls Integrated Sensing, Inc.

William J. Hanna, Esq.
Evan S. Aldridge, Esq.
Flaherty Sensabaugh Bonasso PLLC
200 Capitol Street
Charleston, West Virginia, 26301
Counsel for Defendant Hoveround Corporation

Respectfully Submitted,

CHERYL L. CARDER, Administratrix of the
Estates of **BEVERLY ANN TANNER** and
RAYMOND GLEN TANNER, and **RANDY**
TANNER, *Plaintiffs*

By: /s/ Brent E. Wear
Robert P. Fitzsimmons (WV Bar # 1212)
Brent E. Wear (WV Bar # 9754)
Clayton J. Fitzsimmons (WV Bar #10823)
Mark A. Colantonio (WV Bar # 4238)
FITZSIMMONS LAW FIRM PLLC
1609 Warwood Avenue
Wheeling, West Virginia 26003
Telephone: (304) 277-1700
Fax: (304) 277-1705
Email: bob@fitzsimmonsfirm.com
Email: brent@fitzsimmonsfirm.com
Email: clayton@fitzsimmonsfirm.com
Email: mark@fitzsimmonsfirm.com

and

David A. Sims (WV Bar # 5196)
LAW OFFICES OF DAVID A. SIMS, PLLC
P.O. Box 5349
Vienna, West Virginia 26105
Telephone: (304) 428-5291
Fax: (304) 328-5293
Email: David.sims@mywvlawyer.com

Counsel for Plaintiffs